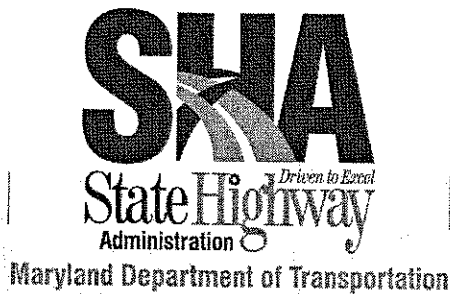


Robert L. Ehrlich, Jr., *Governor*
Michael S. Steele, *Lt. Governor*



Robert L. Flanagan, *Secretary*
Neil J. Pedersen, *Administrator*

19 January 2005

RE: Reconstruction of Annapolis Road /
Waterview Avenue Interchange at
MD 295 / Russell Street
City of Baltimore Project No. 743

Mr. Nelson J. Castellanos
Division Administrator
Federal Highway Administration
The Rotunda – Suite 220
711 West 40th Street
Baltimore MD 21211

Attention: Mr. Breck Jeffers

Dear Mr. Castellanos:

In accordance with the CEQ Regulations and 23 CFR 771, the State Highway Administration (SHA) recommends that the referenced project be classified as a Categorical Exclusion (CE). The project consists of:

- Reconstruction of the southbound on- and off-ramps from MD 295/Russell Street to Annapolis Road;
- Demolition of the abandoned Baltimore & Annapolis (B&A) Railroad tunnel; and,
- Replacement of the Waterview Avenue Bridge over MD 295/Russell Street including new abutments and central pier.

This project is located in the southwestern portion of Baltimore City about three-quarters of a mile north of the boundary between the City of Baltimore and Baltimore County. (See Attachment 1.)

Background – Purpose and Need

MD 295 / Russell Street On- and Off-Ramps. MD 295 / Russell Street is a six-lane, divided fully-access controlled urban expressway. Annapolis Road (Route 648) is a north-south two-lane secondary urban arterial. The on- and off-ramps from MD 295 / Russell Street intersect Annapolis Road from the east to form a T-intersection with a traffic signal.

My telephone number/toll-free number is 410-545-0412
Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.marylandroads.com

A hazardous condition exists from substandard geometric features and operating conditions on the off-ramp from MD 295/Russell Street southbound to Annapolis Road. Currently vehicles exiting the ramp back up into the travel lanes on the mainline of MD 295 southbound. Also, the sight distances for exiting vehicles are restricted because of the wall of the abandoned Baltimore & Annapolis Railroad tunnel. Currently about 4,500-5,000 vehicles use the ramps daily; during the morning peak hour 400 vehicles exit/enter MD 295 and about 510 vehicles exit/enter during the afternoon peak hour. The ramp operates at a Level of Service (LOS) B the morning peak hour and LOS C in the afternoon peak hour.

Abandoned Baltimore & Annapolis Railroad Tunnel. The abandoned Baltimore & Annapolis (B&A) Railroad tunnel is located west of MD 295 /Russell Street and is currently used by the City for storage. The tunnel carries a 600-foot section of Annapolis Road between the on- and off-ramps to MD 295 and the western end of the Waterview Avenue Bridge. This section of Annapolis Road carries about 7,500-8,000 vehicles daily.

The abandoned tunnel consists of four segments that were built in two stages—two around 1900 and two around 1950—and is deteriorating. Concrete spalling, exposed reinforcing, and water leakage is prevalent throughout the tunnel. The most recent inspection report for the tunnel noted severe deterioration within the original tunnel, especially on the sections built circa 1900.

Waterview Avenue Bridge. The Waterview Avenue Bridge was constructed in the 1950's to connect Annapolis Road and Waterview Avenue over MD 295 / Russell Street. It is 125 feet long and carries two 12-foot eastbound lanes, two 12-foot westbound lanes, a four-foot wide raised concrete median and two five-foot wide sidewalks, one on each side. The current daily traffic volume is 9,000-10,000 vehicles and future design year of 2025 is estimated at about 12,000 vehicles daily.

The bridge consists of two simple span steel girders supported by a reinforced concrete pier and two abutments. The condition of the existing Waterview Avenue Bridge is deteriorating. Concrete spalling and exposed reinforcing occur on the bridge particularly at the expansion joints. Both the superstructure and the substructure elements show advanced deterioration.

Project Description

The project consists of three components – reconstruction of the on- and off-ramps from MD 295 / Russell Street to Annapolis, replacement of the abandoned B&A tunnel with a new retaining wall to support Annapolis Road, and replacement of the Waterview Avenue Bridge.

Ramp Reconstruction. The proposed ramp reconstruction includes rebuilding both the southbound on- and off-ramps between MD 295 and Annapolis Road. The on-ramp would be rebuilt in its current location while the off-ramp would be relocated approximately 1,100 feet to

the south of its existing location. Full width ramps with paved shoulders would be constructed for both ramps. Temporary access will be provided during construction.

The relocated ramp would require about 2.6 acres of additional right-of-way, which would consist of the purchase of one parcel at 2801 Annapolis Road. The property was used as a truck distribution center, but it is currently vacant. Some remedial action will be required to remove an Underground Storage Tank (UST) and demolition of the building which may contain lead paint.

Removal of Abandoned B&A Railroad Tunnel. The project would also include the removal of the abandoned B&A Railroad Tunnel and reconstruction of the portion of Annapolis Road that it currently supports. The tunnel would be demolished and a new retaining wall constructed in basically the same location. The architectural treatment on the new wall would be similar to the existing stonewall. The area behind the wall would then be backfilled and Annapolis Road reconstructed on the backfill. The profile of Annapolis Road would be adjusted slightly, which would require some cut along the western side of Annapolis Road along Mount Auburn Cemetery.

The demolition and the reconstruction of the tunnel would occur within the existing alignment, however, and no additional right-of-way is required. An existing 12 inch waterline would need to be relocated and a new 36-inch storm drain would be constructed under MD 295 / Russell Street to provide for drainage of the new lowered Annapolis Road.

The demolition and reconstruction of the tunnel would require the closing of this section of Annapolis Road between the on- and off-ramps and the Waterview Avenue Bridge for about six months. During this period, a detour would be provided starting at the southbound on- and off-ramps at Monokin Street about one mile north of the Annapolis Road ramps. Traffic would then travel south on Annapolis Road to cross the Waterview Avenue Bridge and continue west on Waterview Avenue to Hollins Ferry Road. Traffic would then travel south on Hollins Ferry Street to Patapsco Road and then east back to Annapolis Road.

Waterview Avenue Bridge. The new Waterview Avenue Bridge over MD 295 would be a replacement in kind consisting of a two-span bridge in the same location, with the same profile, and number of lanes as the existing bridge. There would be no change in width or approach roadways or the intersections at the eastern end of the bridge. However, the intersection of Waterview Avenue and Annapolis Road at the western end would be reconfigured to allow for a easier movement from westbound to southbound.

The new bridge would also have new substructure to support the new superstructure. The western abutment would be moved back and incorporated into the new retaining wall to allow for a roadway shoulder, the central pier would be replaced, and a new eastern abutment constructed in front of the current eastern abutment. The aesthetic features of the current bridge would be replicated on the superstructure as well as the new supporting abutments and

pier. Since the bridge replacement is being constructed on the existing alignment, no additional right-of-way is required.

During reconstruction of the bridge, two reversible direction lanes will be provided on the bridge. These lanes would be part of the detour noted above.

Findings

No significant long-term environmental impacts would occur as a result of this ramp and bridge project. There would be some impacts during construction due to the proposed detour and activities associated with the demolition and construction of the ramps, tunnel and bridge.

Socio-Economic Resources. The project is within a Priority Funding Area, as defined under the Smart Growth Areas Act of 1997. The project would not cause any impacts to minorities or low-income populations and there is little potential for secondary or cumulative impacts.

About 2.6 acres of right-of-way would be required along Annapolis Road for the new off-ramp from MD 295. This would require the purchase and relocation of one business; no residences would be affected. Some remedial action to remove hazardous materials would be required. This would include removal of an UST and demolition of the building that may contain lead paint. Two utilities – a water main and a phone line – would need to be relocated.

As this project is not adding capacity, neither a Major Investment Study, nor a Congestion Management System (CMS) report, or air and noise analyses are required. This proposed ramp reconfiguration and bridge reconstruction project is not inconsistent with the Baltimore County Land Master Plan 1989-2000.

This project is exempt from a regional emissions analysis (U.S. EPA Criteria and Procedures for Determining Conformity to State or Federal Implementation Plans, Programs, or Projects – Final Rule). The need for a hot-spot carbon monoxide (CO) analysis has been considered and determined not to be needed.

Traffic patterns and travel times would be impacted somewhat by the detour resulting from the closure of Annapolis Road for six months and the narrowing of Waterview Avenue during its reconstruction. Additional vehicles – including trucks – would travel through local communities on Annapolis Road and Hollins Ferry Road. It is estimated that about 65-75% of the traffic using the current ramps would use the detour.

Also, it is also anticipated that because of the ramp closure and associated detour during reconstruction the response time for emergency vehicles would be somewhat impacted. This would result because of the additional travel distance and the additional traffic on Annapolis Road and the Waterview Avenue Bridge. The fire equipment from the fire station at the east end of the Waterview Avenue Bridge would be particularly affected.

Cultural Resources. The project area was examined for potential impacts to architectural and archaeological resources. Based on a survey, one historic site, the Mount Auburn Cemetery, exists next to Annapolis Road near the project's Area of Potential Effect (APE). This is already listed on the National Register of Historic Places (NRHP). In addition, the Westport Historic District, located to the northeast of the Waterview Avenue Bridge, was determined to be eligible for the NRHP. Field observations confirmed that no other historic properties exist in the project's vicinity.

On May 21, 2002, the State Historic Preservation Officer (SHPO) concurred that neither the B&A Tunnel nor the Waterview Avenue Bridge were eligible for inclusion in the National Register. At the same time, they did indicate that the design of the Annapolis Road/ Waterford Avenue Bridge would have a visual effect on the Westport Historic District. The SHPO thus determined that the overall undertaking would have "no adverse effect" upon historic properties provided that the SHPO would be afforded the opportunity to review the design of the new bridge. (See Attachment 2.)

In addition, no archaeological sites have previously been recorded within the proposed project area, which has been disturbed by highway construction and commercial development. Based on previous disturbance to the area of the project, the project is unlikely to impact significant archeological resources, and no further archeological work is warranted.

Natural Resources. All three components are outside the 100-year floodplain of the Patapsco River and Gwynn Falls. A wetland delineation and report was completed in the summer of 2003. It was determined that there were no wetlands in the area and thus the project would not result in any impacts to wetlands and/or waterways. (Attachment 3 and 4.)

About 9,500 square feet of the ramp reconstruction is within the Chesapeake Bay Critical Area (CBCA). This is below the 10,000 square foot threshold for impact and associated mitigation. Thus no additional analysis or evaluation is required. (Attachment 5.)

There are no federally or state proposed or listed endangered or threatened species within the project area. (Attachments 6 and 7.) It would not affect any natural resources (Attachment 8.) The proposed project will not impact any parks or recreational areas.

A soil erosion and sediment control plan will be prepared and submitted to the Baltimore City Environmental Engineering Section. A local grading permit will be obtained from Baltimore City to allow the regrading of the slope for diversion of stormwater into vegetated swales that will reduce erosion and provide water quality treatment. Sediment and erosion control measures approved by the City will be implemented to minimize water quality effects and The Maryland Department of Natural Resources' Best Management Practices will be incorporated into the contract documents.

Mr. Nelson Castellanos
Reconstruction of Annapolis Road/Waterview Avenue
Interchange at MD 295 / Russell Street
19 January 2005
Page 6 of 6

Summary

In sum, the proposed project will not involve any significant environmental impacts to socio-economic, natural, or cultural resources. It will not induce significant foreseeable alterations in land use or affect planned growth. As such, we request your concurrence in classifying this project as a CE. If you agree with this determination, please indicate your approval below. Your signature below will also constitute Location Approval for the proposed project.

Sincerely,

Neil J. Pedersen
Administrator

By: _____
Raja Veeramachaneni, Director
Office of Planning and
Preliminary Engineering

CONCURRENCE

Federal Highway Administration
Division Administration

Date

Attachments

- (1) Vicinity Map
- (2) Letter from Maryland Historic Trust, dated May 21, 2002
- (3) Letter from City of Baltimore with Wetland Delineation Report by A.D. Marble & Company, Inc. dated June 6, 2003.
- (4) Letter from US Army Corps of Engineers dated September 2, 2003.
- (5) Memoranda to City of Baltimore Department of Planning on Chesapeake Bay Critical Area dated December 21, 2001
- (6) Letter from US Fish & Wildlife Service dated November 19, 2001
- (7) Letter from Maryland Department of Natural Resources dated October 29, 2001.
- (8) Letter from Maryland Department of Natural Resources, Environmental Review dated September 25, 2001.

ATTACHMENT 2



Maryland Department of Housing and Community Development

Division of Historical and
Cultural Programs

100 Community Place
Crownsville, Maryland 21032

410-514-7600

1-800-756-0119

Fax: 410-987-4071

Maryland Relay for the Deaf:

711 or 1-800-735-2258

<http://www.dhcd.state.md.us>

Parris N. Glendening
Governor

Raymond A. Skinner
Secretary

Marge Wolf
Deputy Secretary

May 21, 2002

Mr. Richard K. Chen
Chief, Bridge Engineering
City of Baltimore Office of Transportation
417 East Fayette Street
Baltimore, MD 21202

Re: Reconstruction of Annapolis Road/Waterview Avenue Bridge, Baltimore

Dear Mr. Chen:

Thank you for providing the additional information we requested in our letter of August 2, 2001 regarding the above-referenced undertaking. We have reviewed the additional information in accordance with Section 106 of the National Historic Preservation Act and Article 83 B §§ 5-617 and 5-618 of the Annotated Code of Maryland, as appropriate, and are writing to provide our comments with regard to effects on historic properties.

Based upon our review of the Maryland Inventory of Historic Properties (MIHP) Form and Determination of Eligibility (DOE) Forms provided, we concur with your finding that the Westport Historic District (B-1342) is eligible for listing in the National Register of Historic Places. In addition to being eligible under Criterion A, however, we have also determined that it is eligible under Criterion C.

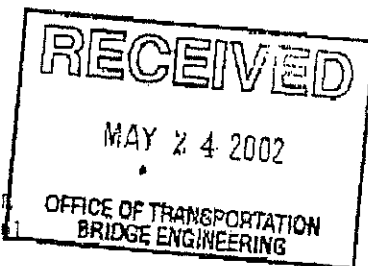
We also concur with your finding that neither the Annapolis Road/Waterview Avenue Bridge (B-1345) nor the WB&A Railroad Tunnel (B-1346) is eligible for the National Register. Mount Auburn Cemetery, the other historic property within the Area of Potential Effect (APE), is already listed in the National Register.

As for effects on historic properties, our review of the "Preferred Alternative" diagram included in the project documentation leads us to believe that all of the new construction will occur south of the Westport Historic District and to the east of the Mount Auburn Cemetery. While this new construction could have a minor visual effect upon the Cemetery, we do not consider that effect to be adverse. Our only remaining concern is that the design of the replacement Annapolis Road/Waterview Avenue Bridge will have a visual effect upon the Westport Historic District. Therefore, we have determined that the overall undertaking will have "no adverse effect" upon historic properties provided we are afforded an opportunity to review the design of the new bridge.

We look forward to receiving the plans for the new bridge as soon as they are available. In the meantime, please contact Andrew Lewis at 410-514-7630 if you should have any questions regarding this matter. Thank you for providing this opportunity to comment.

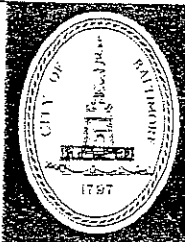
Sincerely,

J. Rodney Little
Director/State Historic
Preservation Officer



JRL/CAT
20020124





2 H
Faxed
6/11/03

June 6, 2003

Regulatory Services Coordination Office
Maryland Department of the Environment
Water Management Administration
1800 Washington Boulevard
Baltimore, Maryland 21230-1718

ATTACHMENT 3

RE: City of Baltimore Project Number 743
MD 295 / Annapolis Rd / Waterview Ave Improvement Project
Baltimore City, Maryland
Request for Jurisdictional Determination

Gentlemen/Mesdame:

The City of Baltimore, Department of Transportation is proposing to reconstruct/relocate the interchange of southbound MD 295 at Annapolis Road, Baltimore City, Maryland (Attachment A). The reconfigured interchange is anticipated to provide improved traffic safety and operational conditions.

The proposed ramp improvement would be along the right edge of MD 295 (southbound side) and then proceed west to Annapolis Road by cutting through a private property located at 2801 Annapolis Road. The intersection point of the on-ramp with Annapolis Road would remain at its current location, and the terminus point of the off-ramp will be relocated 1000 ft. to the south on Annapolis Road. City of Baltimore plans to acquire the property at 2801 Annapolis Road, which is currently used as a truck distribution center.

In addition to the reconfiguration of the interchange, this project includes:

- Construction of a new 36-inch reinforced concrete pipe to carry surface run off to Middle Branch Patapsco River under MD 295. This pipe will be located 20 feet to the north of the existing 60-inch reinforced concrete pipe.
- Reconstruction of the Waterview Avenue Bridge super and substructures at the same location.
- Rehabilitation of the abandoned Baltimore-Annapolis Railroad tunnel.

BALTIMORE BELIEVE

www.baltimorebelieve.com



June 6, 2003

Page 2

This "Request for Jurisdictional Determination" applies only to the reconstructed/relocated interchange. The study area comprises Annapolis Road to the west, MD 295 to the east, the current terminus point of the interchange at Annapolis Road to the north and the property at 2801 Annapolis Road to the south.

A field view on March 24, 2003 preliminarily concluded that there are three waterway systems that run within this study area. We request a field view to verify the location of these waterways, as well as the absence of other systems (including wetlands), within the study area.

Water resources within the study area:

An unnamed perennial tributary to the Middle Branch Patapsco River lies adjacent to the north end of the 2801 Annapolis Road property (Attachment B). The area surveyed on March 24, 2003 includes all of the 2801 Annapolis Road property as well as adjacent MD 295 and Annapolis Road rights-of-way, as indicated on Figure 2.

The Baltimore West, MD USGS 1:24,000 scale quad map indicates no streams or rivers within the project area. The National Wetlands Inventory (NWI) indicates that there are no wetlands within the project limits. According to Federal Emergency Management Agency Flood Insurance Rate Maps (FIRM), the project study area is not within or near any 100-year floodplain. The soil survey of Baltimore City indicates no hydric soils in the study area.

The field survey identified three Waters of the United States (WUS) in the study area, all of which are associated with the unnamed tributary to Middle Branch Patapsco River (Attachment B). No other water resources were found within the study area.

WUS 1 is the perennial tributary to the Middle Branch Patapsco River and is the primary waterway within the study area. It enters the study area from the west via a concrete culvert under Annapolis Road. It then flows on the surface in a steeply banked channel before leaving the study area through a 60inch reinforced concrete pipe that runs under MD 295. The width of this stream varies between 10-25 feet and is characterized by highly disturbed banks and severe under cuttings along several sections of the stream. The streambed consists of concrete rubble and large rocks. The stream is choked with woody debris and garbage.

BALTIMORE BELIEVE

DO NOT BELIEVE www.baltimorebelieve.com

June 6, 2003

Page 3

No wetlands are found along the edges of the WUS 1. The banks are dominated by a mix of wetland and upland vegetation, including red maple (*Acer rubrum*), black willow (*Salix nigra*), box elder (*Acer negundo*), sycamore (*Platanus occidentalis*), Japanese honeysuckle (*Lonicera japonica*), multiflora rose (*Rosa multiflora*) and tree-of-heaven (*Ailanthus altissima*); no vegetation is found in the stream. No hydric soils and no wetland hydrology indicators were found anywhere along the banks. This stream is identified by 14 flags labeled WUS 1-1 through WUS 1-14.

WUS 2 is a small stream located east of WUS 1 adjacent to southbound MD 295. The system is a loop-shaped ephemeral channel that collects water from MD 295. The streambed consists of a thick layer of sediment. No vegetation is found in the stream; upland vegetation on the surrounding banks consists of Japanese honeysuckle, multiflora rose, tree-of-heaven, and red maple. There are no wetlands adjacent to WUS 2. This stream is identified with three flags labeled WUS 2-1 through WUS 2-3. The stream flows west above the 60inch pipe structure before joining WUS 1 at flag WUS 1-14.

WUS 1A is a small perennial stream located approximately 100 feet west of MD 295. Water flows from a pipe located under the property north of WUS 1. WUS 1A includes the surface waters that extend from this pipe approximately 30 feet to WUS-1. There is no vegetation in the stream, and no hydric soils or hydrology indicators located near the stream. The stream banks are dominated by vegetation similar to WUS 2. WUS 1A is labeled with one flag, WUS 1A-1, which connects to WUS 1-13.

Based on the results of the survey, we request a field view to verify the location of these waterways, as well as the absence of other systems (including wetlands), within the study area. Enclosed is the first page of the Joint Federal/State Permit application, officially requesting a Jurisdictional Determination, as well as the project location map (Attachment A) and water resources map (Attachment B).

BALTIMORE BELIEVE

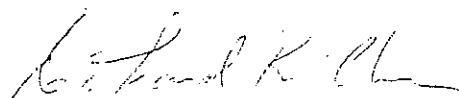
1-866-BELIEVE • www.baltimorebelieve.com

June 6, 2003

Page 4

If you have any questions regarding this request, please contact Mr. Tony Grant, Project Manager, at 410-396-6935.

Sincerely yours,



RICHARD K. CHEN, P.E., CHIEF
BRIDGE ENGINEERING

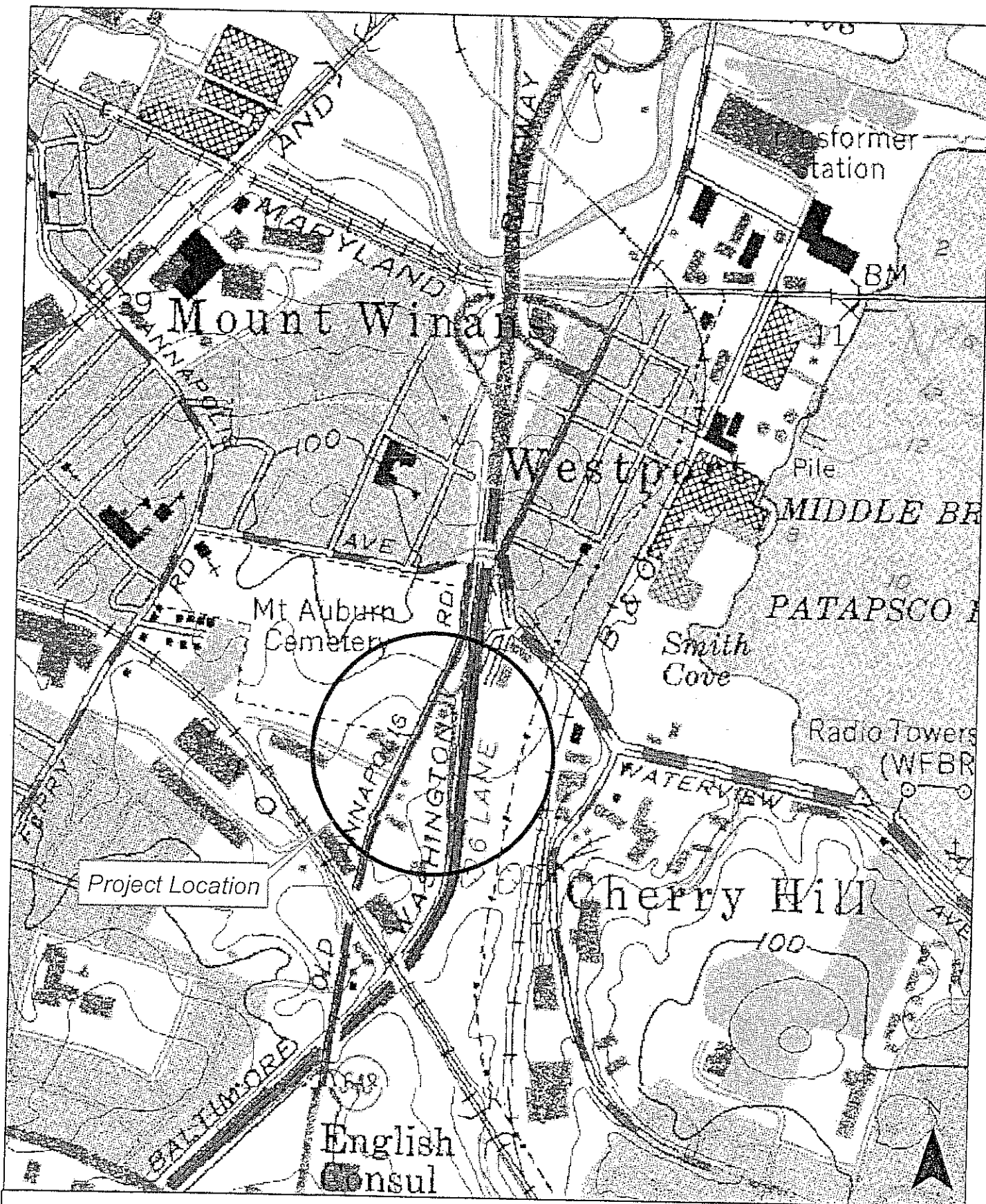
Enclosures (3)

RKC/TG:irmc

cc: Mr. Frederick Marc
Mr. Gene Neff
Mr. Jon Romeo, US Army Corps of Engineers, Baltimore District
Mr. Tony Grant, City of Baltimore, Department of Transportation
Mr. Kumar Buvanendaran, Jacobs Civil Inc.
Mr. Alem Hagos, Jacobs Civil, Inc.
Mr. Eric Almquist, A.D. Marble & Company, Inc.

BALTIMORE BELIEVE

1-866-BELIEVE • www.baltimorebelieve.com



City of Baltimore Department of Transportation
MD 295 / Annapolis Rd / Waterview Avenue
Improvement Project

Attachment A: Project Location Map

Source: Baltimore West USGA 1:24,000 Scale Quad Map

Scale: 1" = 750 feet

JOINT FEDERAL/STATE APPLICATION FOR THE ALTERATION OF ANY FLOODPLAIN, WATERWAY, TIDAL OR NONTIDAL WETLAND IN MARYLAND

FOR AGENCY USE ONLY

Application Number _____ Date Determined Complete _____
Date Received by State _____ Date(s) Returned _____
Date Received by Corps _____
Type of State permit needed _____ Date of Field Review _____
Type of Corps permit needed _____ Agency Performed Field Review _____

- +++++
- Please submit 1 original and 4 copies of this form, required maps and plans to the Wetlands and Waterways Program as noted on the last page of this form.
 - Any application which is not completed in full or is accompanied by poor quality drawings may be considered incomplete and result in a time delay to the applicant.

Please check one of the following:

<input type="checkbox"/>	Resubmittal
<input type="checkbox"/>	Modification to an Existing Permit
<input type="checkbox"/>	Applying for Authorization

<input type="checkbox"/>	Application Amendment
<input checked="" type="checkbox"/>	Jurisdictional Determination Only
<input type="checkbox"/>	Previously Assigned Number (resubmittals & amendments)

1. APPLICANT INFORMATION:

Date: May 13, 2003

Applicant Name

Name: _____ Daytime Telephone: _____
Company: City of Baltimore, Department of Transportation
Address: 417 East Fayette Street
City: Baltimore State: MD Zip: 21202

Agent / Engineer Information:

Name: Alem Hagos Telephone: (410) 837-5840
Company: Jacobs Civil, Inc.
Address: 100 South Charles Street, Tower 2, Suite 1000
City: Baltimore State: MD Zip: 21201

Environmental Consultant:

Name: Eric Almquist Telephone: (410) 902-1421
Company: A.D. Marble & Company, Inc.
Address: 10999 Red Run Boulevard, Suite 117
City: Owings Mills State: MD Zip: 21117

Contractor (if known):

Name: _____ B. Telephone: _____
Company: _____
Address: _____
City: _____ State: _____ Zip: _____

Principal Contact:

Name: _____
Company: _____
Address: _____
City: _____

ATTACHMENT 4



DEPARTMENT OF THE ARMY
BALTIMORE DISTRICT, U.S. ARMY CORPS OF ENGINEERS
P.O. BOX 1715
BALTIMORE, MD 21203-1715

REPLY TO
ATTENTION OF

PRELIMINARY JURISDICTIONAL DETERMINATION

Operations Division

SEP 02 2003

Mr. Richard Chen
Baltimore City Office of Transportation
417 East Fayette Street
Baltimore, Maryland 21202

Dear Mr. Chen:

This is in reference to your application, CENAB-OP-RMN(BC TRANSPORTATION/MD 295-ANNAPOLIS RD/JD)03-64680-1, dated May 13, 2003, requesting a jurisdictional determination (JD) and verification of the delineation of waters of the United States, including jurisdictional wetlands, on your property located at 2801 Annapolis Road, Baltimore City, Maryland. The waters are part of a tributary system of the Middle Branch of the Patapsco River.

This letter is in response to your request regarding the determination of the presence and delineation of streams and wetlands under the regulatory jurisdiction of the U.S. Army Corps of Engineers (Corps) on May 13, 2003 and August 13, 2003, as shown on the attached plan dated August 13, 2003.

On July 10, 2003, a representative of this office inspected the jurisdiction lines that you had already flagged. The undersigned agrees that the Corps jurisdiction lines have been correctly flagged and delineate the extent of Corps regulated streams and wetlands on the site.

It is our understanding that you will send four copies of a property survey, which show the location of the flagged line, for written confirmation from this office for an approved jurisdictional determination of Corps regulated streams and wetlands on the site.

This preliminary jurisdictional determination reflects current policy and regulations and is valid for a period no longer than five years from the date of this letter, unless new information warrants revision of the determination before that date. If, after the five year period, this determination has not been revalidated by the Corps, it shall automatically expire.

Please be advised that various developmental activities within jurisdictional streams and wetlands, such as filling, mechanical landclearing, and construction of some piling

supported structures, are regulated by the Corps. Wetlands under the jurisdiction of the Maryland Department of the Environment (MDE) may also be located on the parcel. You may contact the MDE for information regarding jurisdiction and permitting requirements at (410) 537-3786.

In future correspondence and permit applications regarding this parcel, please include the file number located in the upper left corner of this letter.

You are reminded that any grading or filling of waters of the United States, including jurisdictional wetlands, is subject to Department of the Army authorization. State and local authorizations may also be required to conduct activities in the locations. In addition, the Interstate Land Sales Full Disclosure Act may require that prospective buyers be made aware, by the seller, of the Federal authority over any waters of the United States, including jurisdictional wetlands, being purchased.

This delineation/determination has been conducted to identify the limits of the Corps Clean Water Act jurisdiction for the particular site identified in this request. This delineation/determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985, as amended. If you or your tenant are United States Department of Agriculture (USDA) program participants, or anticipate participation in USDA programs, you should request a certified wetland delineation from the local office of the Natural Resource Conservation Service prior to starting work.

If you have any questions concerning this matter, please call Mr. Jon Romeo of this office at (410) 962-6079.

Sincerely,



Sandra A. Zelen
Enforcement Program Manager

Enclosures

C.F.:

Mr. B. Eric Almquist
A.D. Marble & Company
10999 Red Run Boulevard, Suite 117
Owings Mills, MD 21117

MDE, Nontidal Wetlands Division

BALTIMORE DISTRICT
BASIS OF JURISDICTIONAL DETERMINATION

Applicant: Baltimore City Dept. of Transportation File No.: 200364680

Date: _____

1. The jurisdictional determination outlined in the attached letter was based on the following:

- ☐ A. There are no Waters of the United States present at the site.
_____ Does not meet any of the items listed below.
- ☐ B. The Waters of the United States present at the site are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce. This includes waters which are subject to the ebb and flow of the tide.
- ☐ C. The Waters of the United States at the site are interstate waters, including interstate wetlands.
- ☐ D. The Waters of the United States at the site are other waters such as intrastate lakes, rivers, streams (including intermittent streams, mudflats, sand flats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes or natural ponds containing a nexus to interstate commerce).

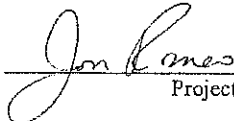
The nexus to interstate commerce consists of:

- recreational or other purposes
---- fish or shellfish
---- industrial or commercial purposes
---- habitat for migratory birds or game birds or wildlife
---- commercially saleable timber products
---- sand, gravel, oil, gas or other commodities of commerce
---- other _____

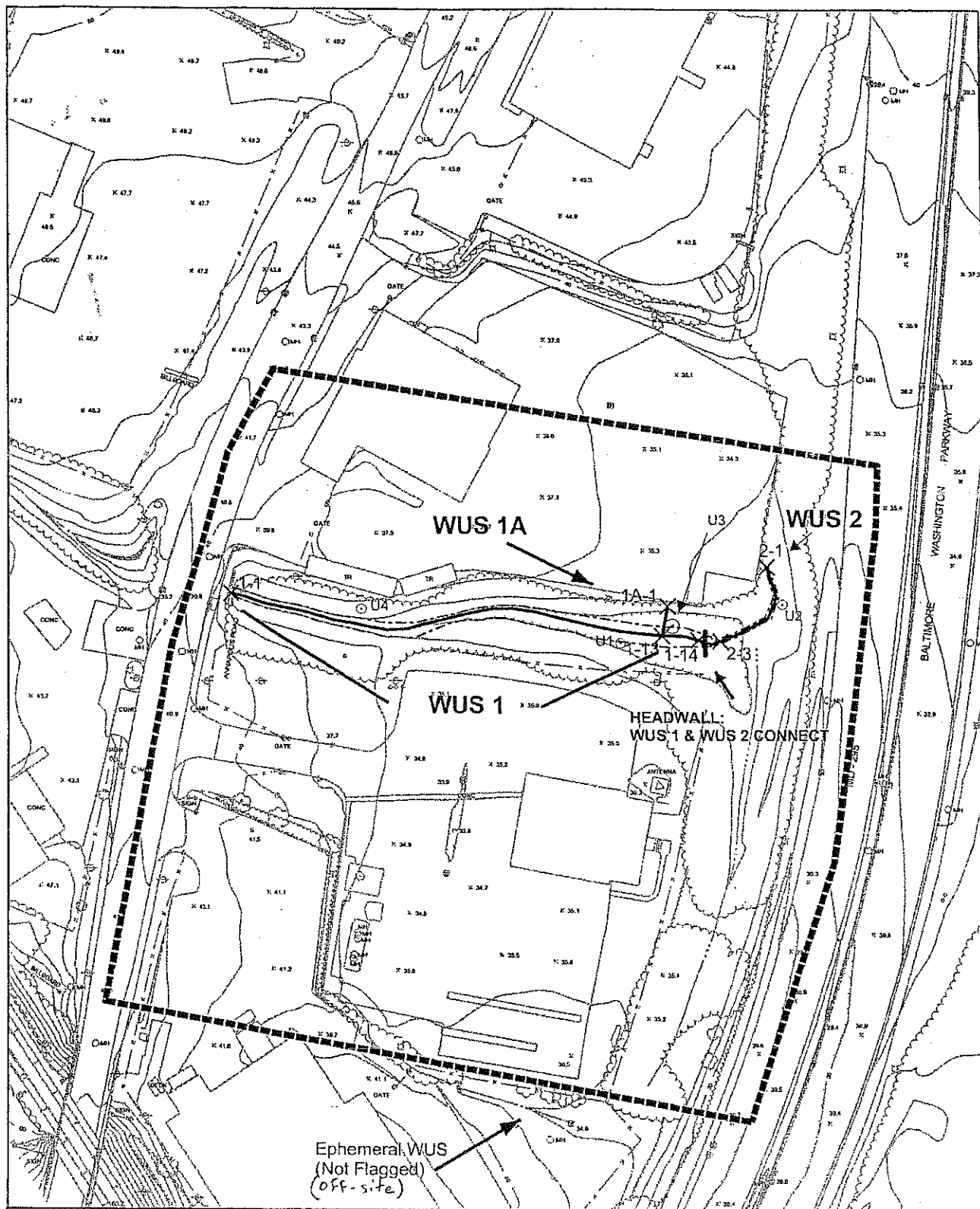
- ☐ E. The Waters of the United States present at the site contain impoundments of waters otherwise defined as Waters of the United States
- ☒ F. The Waters of the United States present at the site are part of a tributary system to waters identified in B-E above.
- ☐ G. The Waters of the United States present at the site are part of the territorial seas.
- ☐ H. There are wetlands present at the site which are adjacent to waters identified in B-G above.

2. The lateral extent of the Waters of the United States, including wetlands at the site as identified on the accompanying map was based on one or more of the following:

- ☐ A. The presence of wetlands has been determined by the U.S. Army Corps of Engineers 1987 Wetlands Delineation Manual and guidance supporting the Manual.
- ☒ B. Ordinary high water mark, mean high water mark, high tide line, mean high tide line



Project Manager



City of Baltimore Department of Transportation
MD 295 / Annapolis Rd / Waterview Avenue
Improvement Project

Attachment A: Preliminary Water Resources Map

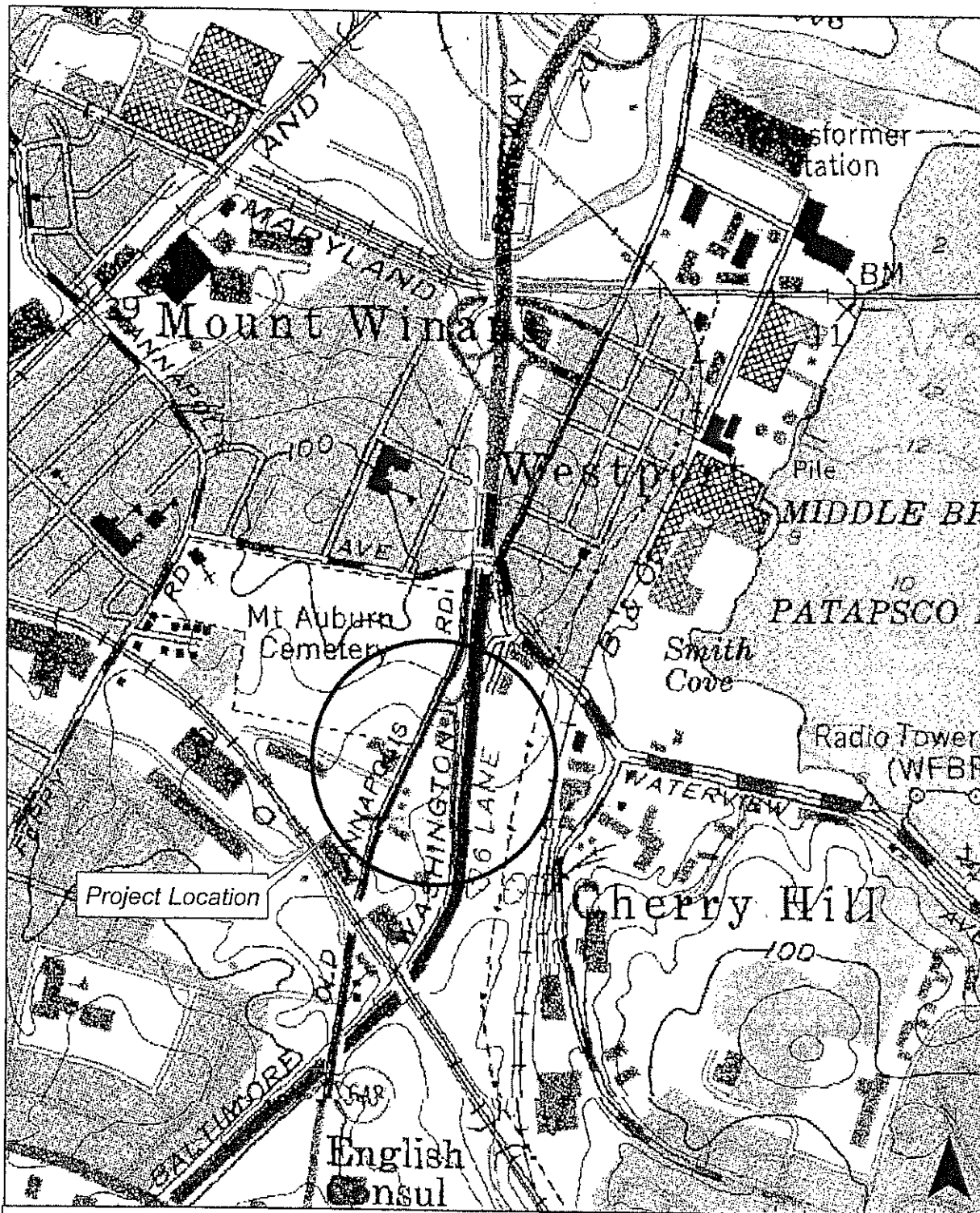
Legend:

- Review Area
- Delineated Waters of the US
- × WUS flag locations
- Top of Bank
- Upland Data Point

August 13, 2003 N



Scale: 1" = 300 feet



City of Baltimore Department of Transportation
MD 295 / Annapolis Rd / Waterview Avenue
Improvement Project

Attachment A: Project Location Map

Source: Baltimore West USGA 1:24,000 Scale Quad Map
Scale: 1" = 750 feet

August 13, 2003

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Baltimore City Office of Transportation	File Number: 200364680	Date:
Attached is:		See Section Below
<input type="checkbox"/> INITIAL PROFFERED PERMIT (Standard Permit or Letter of Permission)	A	
<input type="checkbox"/> PROFFERED PERMIT (Standard Permit or Letter of Permission)	B	
<input type="checkbox"/> PERMIT DENIAL	C	
<input type="checkbox"/> APPROVED JURISDICTIONAL DETERMINATION	D	
<input checked="" type="checkbox"/> PRELIMINARY JURISDICTIONAL DETERMINATION	E	

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://usace.army.mil/inet/functions/cw/ccwa/reg> or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations (JD) associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:
Sandy Zelen
Regulatory Branch Baltimore District
P.O. Box 1715
Baltimore, MD 21203-1715
(410) 962-6028 or 3670

If you only have questions regarding the appeal process you may also contact:
James W. Haggerty
Regulatory Appeals Review Officer
North Atlantic Division, US Army Corps of Engineers
Fort Hamilton Military Community
General Lee Avenue, Building 301
Brooklyn, NY 11252-6700
(718) 765-7150

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

Signature of applicant or agent.

Date:

Telephone number:

Transmittal**Sverdrup Civil, Inc.**

575 South Charles Street, Suite 404
Baltimore, Maryland 21201 USA
1.410.837.5840 Fax 1.410.837.3277

Date	December 21, 2001	From	David Feske
Attention	Duncan Stuart	Project No.	E4X40900 WBS 2800
Firm Name	Baltimore City Department of Planning 417 E. Fayette Street, 8 th Floor Baltimore, MD 21202	Project.	Reconstruction of Annapolis Rd Waterview Avenue Interchange at MD 295/Russell Street City of Baltimore Proj. No. 743
Fax No.	410.396.4329	File	
Subject	Assessment of Conformance to Critical Area Management Program		
Copies to			

Dear Duncan:

Using the 1:100 scale map showing the 1,000-foot boundary of the Critical Area you faxed to me on December 6th, we have completed an assessment of compliance of the reference project with the Critical Area Management Program. For this analysis, we identified the area of this project within the boundary as shown in the attached figure. Per your description, we used the outside of the boundary line as the 1,000-foot limit.

From this assessment, we calculated that approximately 9,200 sq. ft. of the interchange reconstruction is within the 1,000-foot limit. This is below the 10,000 sq. ft. threshold you indicated would trigger the requirement for a Consistency Report.

Thus, from our assessment, we understand no additional analysis regarding the Management Program is required. We will include this finding in our environmental documentation.

Thank you for all your assistance in completing this analysis. Please give me a call if you have any questions.

Regards,

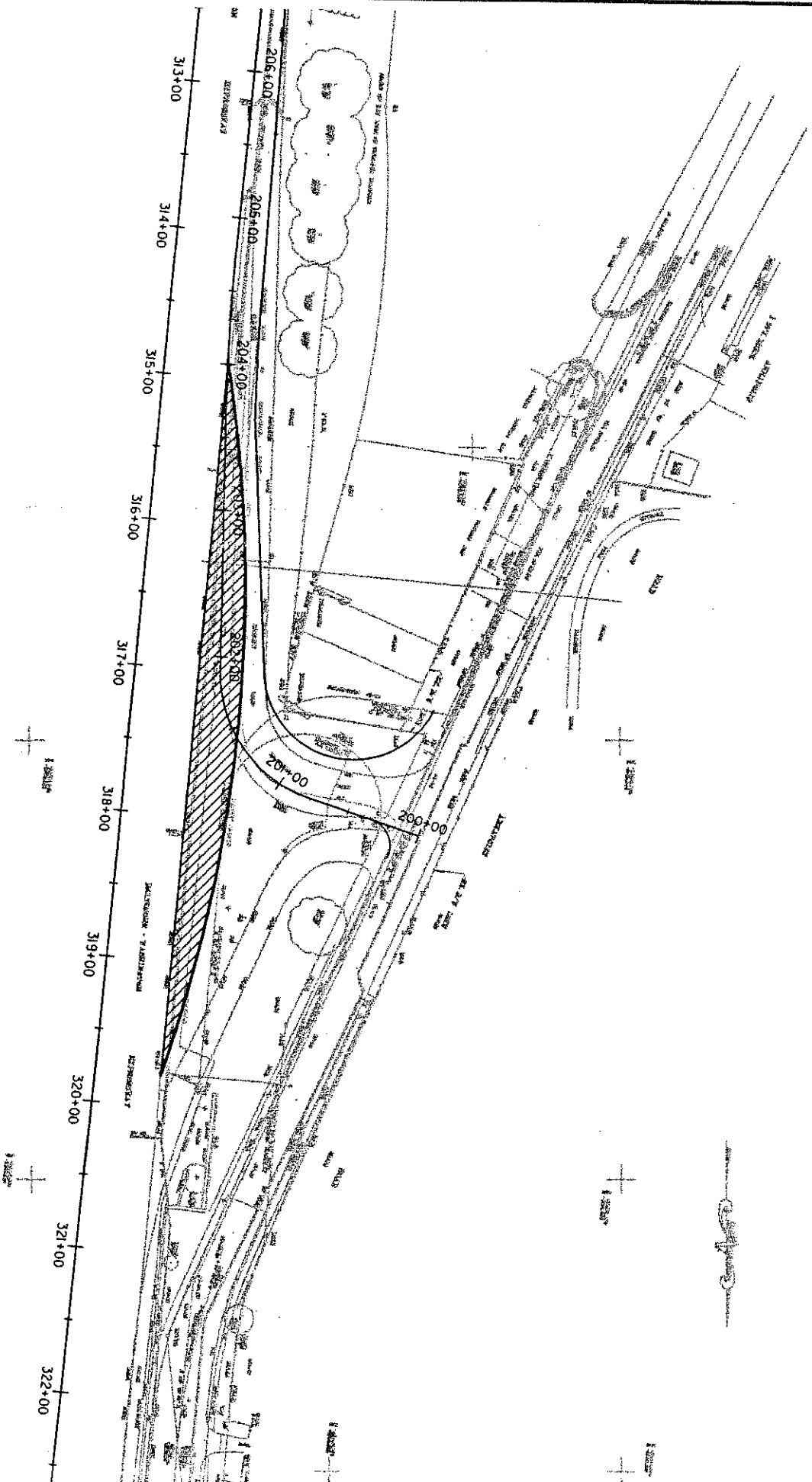
David

Enclosures/Attachments

<input type="checkbox"/> Letter	<input type="checkbox"/> Sample
<input type="checkbox"/> Contract Documents	<input type="checkbox"/> Clarification Drawings
<input type="checkbox"/> Sketch	<input type="checkbox"/> Print
<input type="checkbox"/> Modification Drawings	<input type="checkbox"/> Shop Drawings
<input checked="" type="checkbox"/> Other	Exhibit showing Impact Area

Action Requested

<input type="checkbox"/> Resubmit	<input type="checkbox"/> For Your Approval
<input type="checkbox"/> For Your Review	<input type="checkbox"/> Reply ASAP
<input type="checkbox"/> Information Only	<input type="checkbox"/> For Your Signature
<input checked="" type="checkbox"/> Your Information and File	
<input type="checkbox"/> Please Comment	
<input type="checkbox"/> Other	



Exhibit

Critical Area Management Program Assessment

Reconstruction of Annapolis Road/Waterview Avenue Interchange at
MD 295/Russell Street Avenue Bridge - City of Baltimore, Maryland

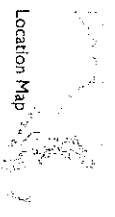
Legend

Note: Project Area within
1,000-foot limit is shown
crosshatched.

Scale
1" = 100'



Location Map





ATTACHMENT 6

United States Department of the Interior

FISH AND WILDLIFE SERVICE

Chesapeake Bay Field Office
177 Admiral Cochrane Drive
Annapolis, MD 21401



November 19, 2001

Mr. David Feske
Planning Program Manager
Sverdrup Civil, Inc.
575 South Charles Street
Suite 404
Baltimore, Maryland 21201

RE: City of Baltimore Project No. 743
Annapolis Road/Waterview Avenue
Interchange at MD 295
Baltimore City, MD

Dear Mr. Feske:

This responds to your September 24, 2001, request for information on the presence of species which are federally listed or proposed for listing as endangered or threatened within the vicinity of the Annapolis Road/Waterview Avenue Interchange at MD 295. We have reviewed the information you enclosed and are providing comments in accordance with Section 7 of the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*).

Except for occasional transient individuals, no federally proposed or listed endangered or threatened species are known to exist within the project impact area. Therefore, no Biological Assessment or further Section 7 Consultation with the U.S. Fish and Wildlife Service is required. Should project plans change, or if additional information on the distribution of listed or proposed species becomes available, this determination may be reconsidered.

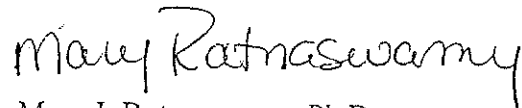
This response relates only to federally protected threatened or endangered species under our jurisdiction. For information on the presence of other rare species, you should contact Lori Byrne of the Maryland Wildlife and Heritage Division at (410) 260-8573.

An additional concern of the Service is wetlands protection. Federal and state partners of the Chesapeake Bay Program have adopted an interim goal of no overall net loss of the Basin's remaining wetlands, and the long term goal of increasing the quality and quantity of the Basin's wetlands resource base. Because of this policy and the functions and values wetlands perform, the Service recommends avoiding wetland impacts. All wetlands within the project area should

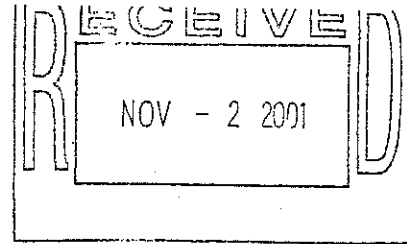
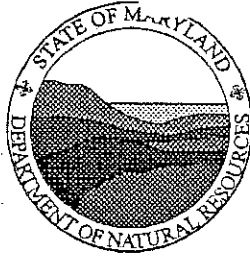
be identified, and if construction in wetlands is proposed, the U.S. Army Corps of Engineers, Baltimore District, should be contacted for permit requirements. They can be reached at (410) 962-3670.

We appreciate the opportunity to provide information relative to fish and wildlife issues, and thank you for your interests in these resources. If you have any questions or need further assistance, please contact Charisa Morris at 410-573-4550.

Sincerely,

A handwritten signature in cursive script that reads "Mary Ratnaswamy". The signature is written in dark ink and is positioned above the printed name and title.

Mary J. Ratnaswamy, Ph.D.
Program Leader, Endangered Species



Parris N. Glendening
Governor

Maryland Department of Natural Resources

J. Charles Fox
Secretary

Kathleen Kennedy-Townsend
Lt. Governor

Tawes State Office Building
Annapolis, Maryland 21401

Karen M. White
Deputy Secretary

October 29, 2001

Mr. David Feske
Sverdrup Civil, Inc.
575 South Charles Street, Suite 404
Baltimore, MD 21201

RE: Environmental Review for Reconstruction of Annapolis
Road/Waterview Avenue, Interchange at MD 295, City of Baltimore
Project No. 743, Baltimore, Maryland.

Dear Mr. Feske:

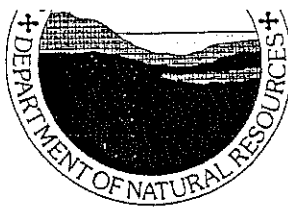
The Wildlife and Heritage Service has no records for Federal or State rare, threatened or endangered plants or animals within this project site. This statement should not be interpreted as meaning that no rare, threatened or endangered species are present. Such species could be present but have not been documented because an adequate survey has not been conducted or because survey results have not been reported to us.

Sincerely,

A handwritten signature in cursive script that reads "Lori A. Byrne".

Lori A. Byrne
Environmental Review Specialist
Wildlife & Heritage Service

ER# 2001.2019.bc



ATTACHMENT 8

Maryland Department of Natural Resources
ENVIRONMENTAL REVIEW
Tawes State Office Building, B-3
Annapolis, Maryland 21401

J. Charles Fox
Secretary

Karen M. White
Deputy Secretary

W. N. Glendening
Governor

Steven Kennedy-Townsend
Lt. Governor

September 25, 2001

Mr. David Feske
JE Sverdrup
Sverdrup Civil, Inc.
575 South Charles Street, Suite 404
Baltimore MD 21201

Dear Mr. Feske:

This letter is in response to your letter of request, dated September 20, 2001, for information on the presence of natural resources in the vicinity of the City of Baltimore's proposed reconstruction of Annapolis Road/Waterview Avenue Interchange at MD 295 in the City of Baltimore (Project No. 743).

From a review of the information provided with your request it does not appear that the proposed work will have any significant impacts on natural resources. There are no significant fish spawning or nursery areas, or other sensitive species habitats, within the project area. Any drainages within the project area would be classified as Use I waters (Water Contact Recreation and Protection of Aquatic Life). Generally, no instream work is permitted in Use I streams during the period of March 1 through June 15, inclusive, during any year.

If you have any questions concerning these comments, you may contact me at 410-260-8331.

Sincerely,

Ray C. Dintaman, Jr., Director
Environmental Review Unit

RCD
Attachment